

### **REMARKS/ARGUMENTS**

In the Office Action mailed October 17, 2007 (hereinafter, "Office Action"), claims 7 and 17 stand rejected under 35 U.S.C. § 112. Claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 102. Claims 8-10 and 18-20 stand rejected under 35 U.S.C. § 103. Claims 1, 7, 11 and 17 have been amended.

Applicants respectfully respond to the Office Action.

#### **I. Drawings**

The drawings stand objected to by the Office Action. However, the Office Action does not specify what the objection is to the drawings. Applicants respectfully request that the Office Action indicate which parts of the drawings are objected to such that proper amendments to the drawings may be made.

#### **II. Claims 7 and 17 Rejected Under 35 U.S.C § 112**

Claims 7 and 17 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 7 and 17 have been amended to recite "selecting said first entertainment output based on one or more first commands from said first wireless controller." Applicants' specification states:

[I]f the user declines connection to the second legacy entertainment source device, a third short-pulse power command instructs the source-side network adaptor 108 to select a third legacy entertainment source device by choosing a legacy entertainment source device from the list that was not flagged on either the first or second power command.

Applicants' specification, page 13, line 22 – page 14, line 3.

As such, Applicants' specification states the first entertainment source is selected with a first command, as recited in claims 7 and 17. Accordingly, Applicants submit that claims 7 and 17 comply with the enablement requirement.

**III. Claims 1-7 and 11-17 Rejected Under 35 U.S.C. § 102**

Claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 102(a) as being anticipated by “DigitalDeck Entertainment Network” by DigitalDeck Incorporated (hereinafter, “DDen”) whose literature includes DigitalDeck Entertainment Network User Guide (hereinafter, “DDen User Guide”) and DigitalDeck Entertainment Network Installation Guide (hereinafter, “DDen Installation Guide”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not disclose all of the subject matter in these claims.

Claim 1 has been amended to recite “wherein the first source-side network adaptor is directly connected to the first one of the one or more legacy entertainment sources.” Support for this amendment may be found in Applicants’ specification, for example, page 9, lines 18-20 and Figure 2. DDen does not disclose this subject matter.

Instead DDen states:

The DigitalDeck Entertainment Network (DDen) is a “whole-home” entertainment system that enables you to place all of your home entertainment devices on a single network. This allows you to play any source of video or audio in your home on any television or stereo receiver on your DDen. Not only can you play media from any room in your home, you can also control all devices on the network, regardless of the room in which they are located on the DDen.

eDeck units are the media adapters. These units are located in any room where you have audio or video sources with content you want to share across the DDen.

The eDeck performs the following functions:

- Sends entertainment content from connected cable and/or satellite receivers, DVD players, VCRs, or other devices to the MX 1000.
- Receives entertainment content from the MX 1000.
- Communicates IR codes to the MX 1000, which relays the IR codes to the connected devices. This enables you to control connected devices from any room on the DDen.

The eDeck receives digital input from devices such as a DVD player, or a cable or satellite receiver, and converts that input into digital signals that are sent to the MX 1000. The eDeck also converts digital signals received from the MX 1000, converts them to analog, and outputs the converted signals to your television and/or stereo receiver.

DDen User Guide, page 1-5.

The Office Action points to above-cited portion of the DDen User Guide to support the assertion that content is sent “from receivers, DVD players, VCR’s etc. to the MX1000 which is on the network.” (Office Action, page 5.) As such, it appears that the Office Action is asserting that “the MX1000” discloses “a first source-side network adaptor.” However, DDen does not disclose that “the first source-side network adaptor is directly connected to the first one of the one or more legacy entertainment sources.” Regarding the MX1000, DDen states:

The MX1000 is the backbone of the system and acts as a “traffic cop” to manage the content on the DDen. It runs the DigitalDeck Advanced Media Manager software and controls the eDecks.

DDen User Guide, page 1-9.

Acting as a “traffic cop” does not disclose that the MX1000 “is directly connected to the first one of the one or more legacy entertainment sources.” Similarly, running “the DigitalDeck Advanced Media Manager software” and “control[ing] the eDecks” does not disclose that the MX1000 “is directly connected to the first one of the one or more legacy entertainment sources.” In fact, the figure illustrating an “example of a multiple room DDen system” on page 1-9 of the DDen User Guide clearly discloses the MX1000 only connected to the Ethernet Router. There is no

disclosure in the DDen User Guide of the MX1000 being “directly connected to the first one of the one or more legacy entertainment sources.”

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from DDen. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn because DDen does not disclose all of the subject matter of claim 1.

Claims 2-7 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-7 be withdrawn.

Claim 11 has been amended with subject matter similar to the subject matter amended to claim 1. As such, Applicants submit that claim 11 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 11 be withdrawn.

Claims 12-17 depend either directly or indirectly from claim 11. Accordingly, Applicants respectfully request that the rejection of claims 12-17 be withdrawn.

#### **IV. Claims 8-10 and 18-20 Rejected Under 35 U.S.C. § 103(a)**

Claims 8-10 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DDen in view of “Installing and Configuring the Cisco Secure ACS Appliance,” (hereinafter, “Cisco”) in further view of U.S. Patent No. 4,808,992 to Beyers Jr. et al. (hereinafter, “Beyers”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. \_\_\_, 2007 U.S. LEXIS 4745, at \*\*4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at \*\*37. “[R]ejections on obviousness grounds cannot be

sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

Claims 8-10 depend indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 8-10 be withdrawn.

Claims 18-20 depend indirectly from claim 11. Accordingly, Applicants respectfully request that the rejection of claims 18-20 be withdrawn.

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**V. Conclusion**

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', with a stylized flourish at the end.

/Wesley L. Austin/

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